

1 **THE ESTLE LAW FIRM**

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6 Mark D. Estle (CA Bar No. 135004)
7 Attorney for Secured Creditor LITTON LOAN SERVICING LP AS SERVICER FOR HSBC
8 BANK USA, NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE OF THE
9 FIELDSTONE MORTGAGE INVESTMENT TRUST, SERIES 2005-2

10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **OAKLAND DIVISION**

13 In re

14 KENNETH LAROI DILLARD AND
15 ELLEN LIM DILLARD,

16 Debtor(s).

17 Bankruptcy No. 11-42330-RLE
18 Chapter 13

19 **OBJECTION TO CONFIRMATION OF
20 CHAPTER 13 PLAN**

21 341 (a) Meeting:

22 DATE: April 21, 2011

23 TIME: 2:00 pm

24 LOCATION: Oakland U.S. Trustee's Office

25 **TO: THE HONORABLE JUDGE ROGER L. EFREMSKY, UNITED STATES
26 BANKRUPTCY COURT JUDGE; TO THE CHAPTER 13 TRUSTEE, AND TO THE
27 DEBTORS:**

28 LITTON LOAN SERVICING LP AS SERVICER FOR HSBC BANK USA,
1 NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE OF THE FIELDSTONE
2 MORTGAGE INVESTMENT TRUST, SERIES 2005-2 ("Litton") is the holder of a secured
3 claim in this case. Litton is therefore a party in interest and has standing to object to the
4 Debtors' Chapter 13 Plan.

5 Litton is the holder of a claim secured by a security interest in real property. Such claim
6 consists of a Note in the current amount of \$409,594.12 secured by a First Deed of Trust on the
7 real property commonly known as 4710 San Pablo Dam Road, El Sobrante, California 94803
8 (The "Property"). Litton objects to the Plan on the following grounds:

1 1. The Plan was not proposed in good faith, as required by 11 U.S.C. § 1325 (a) (3),
2 and is otherwise forbidden by law as shown by the following:

- 3 a. Debtors' Plan fails to provide for payment of the full amount of pre-petition
4 arrears due to Litton. The outstanding pre-petition arrears due to Litton, as
5 indicated in its Proof of Claim filed herein, is \$45,128.12.
6 2. The Debtors' Plan fails to provide for payment of post-petition property taxes and
7 insurance.

8 WHEREFORE, LITTON RESPECTFULLY REQUESTS:

- 9 1. That Confirmation of Debtors' Chapter 13 Plan be denied and the case be
10 dismissed; or, in the alternative,
11 2. That Debtors' Plan be amended in accordance with this objection.

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13 Dated: March 16, 2011

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15 By: /s/ Mark D. Estle
16 MARK D. ESTLE, Attorneys for Secured Creditor
17 LITTON LOAN SERVICING LP AS SERVICER
18 FOR HSBC BANK USA, NATIONAL
19 ASSOCIATION, AS INDENTURE TRUSTEE OF
20 THE FIELDSTONE MORTGAGE INVESTMENT
21 TRUST, SERIES 2005-2
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